



Senate

General Assembly

January Session, 2007

File No. 587

Senate Bill No. 284

Senate, April 26, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE PROTECTION OF PETS IN DOMESTIC VIOLENCE CASES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (b) The application form shall allow the applicant, at the applicant's
5 option, to indicate whether the respondent holds a permit to carry a
6 pistol or revolver or possesses one or more firearms. The application
7 shall be accompanied by an affidavit made under oath which includes
8 a brief statement of the conditions from which relief is sought. Upon
9 receipt of the application the court shall order that a hearing on the
10 application be held not later than fourteen days from the date of the
11 order. The court, in its discretion, may make such orders as it deems
12 appropriate for the protection of the applicant and such dependent
13 children or other persons as the court sees fit. Such order may include
14 temporary child custody or visitation rights and such relief may

15 include but is not limited to an order enjoining the respondent from (1)
16 imposing any restraint upon the person or liberty of the applicant; (2)
17 threatening, harassing, assaulting, molesting, sexually assaulting or
18 attacking the applicant; or (3) entering the family dwelling or the
19 dwelling of the applicant. The court, in its discretion, may make such
20 orders as it deems appropriate for the protection of any animal owned
21 or kept by the applicant including, but not limited to, an order
22 enjoining the respondent from injuring or threatening to injure such
23 animal. If an applicant alleges an immediate and present physical
24 danger to the applicant, the court may issue an ex parte order granting
25 such relief as it deems appropriate. If a postponement of a hearing on
26 the application is requested by either party and granted, the order
27 shall not be continued except upon agreement of the parties or by
28 order of the court for good cause shown.

29 Sec. 2. Subsection (e) of section 46b-38c of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2007*):

32 (e) A protective order issued under this section may include
33 provisions necessary to protect the victim from threats, harassment,
34 injury or intimidation by the defendant, including, but not limited to,
35 an order enjoining the defendant from (1) imposing any restraint upon
36 the person or liberty of the victim, (2) threatening, harassing,
37 assaulting, molesting or sexually assaulting the victim, or (3) entering
38 the family dwelling or the dwelling of the victim. A protective order
39 issued under this section may include provisions necessary to protect
40 any animal owned or kept by the victim including, but not limited to,
41 an order enjoining the defendant from injuring or threatening to injure
42 such animal. Such order shall be made a condition of the bail or release
43 of the defendant and shall contain the following language: "In
44 accordance with section 53a-223 of the Connecticut general statutes,
45 any violation of this order constitutes criminal violation of a protective
46 order which is punishable by a term of imprisonment of not more than
47 five years, a fine of not more than five thousand dollars, or both.
48 Additionally, in accordance with section 53a-107 of the Connecticut

49 general statutes, entering or remaining in a building or any other
50 premises in violation of this order constitutes criminal trespass in the
51 first degree which is punishable by a term of imprisonment of not
52 more than one year, a fine of not more than two thousand dollars, or
53 both. Violation of this order also violates a condition of your bail or
54 release, and may result in raising the amount of bail or revoking
55 release." Every order of the court made in accordance with this section
56 after notice and hearing shall also contain the following language:
57 "This court had jurisdiction over the parties and the subject matter
58 when it issued this protection order. Respondent was afforded both
59 notice and opportunity to be heard in the hearing that gave rise to this
60 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
61 2265, this order is valid and enforceable in all fifty states, any territory
62 or possession of the United States, the District of Columbia, the
63 Commonwealth of Puerto Rico and tribal lands." The information
64 contained in and concerning the issuance of any protective order
65 issued under this section shall be entered in the registry of protective
66 orders pursuant to section 51-5c.

67 Sec. 3. Section 54-1k of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective October 1, 2007*):

69 Upon the arrest of a person for a violation of section 53a-181c, 53a-
70 181d or 53a-181e, the court may issue a protective order pursuant to
71 this section. Upon the arrest of a person for a violation of section 53a-
72 182b or 53a-183, the court may issue a protective order pursuant to this
73 section if it finds that such violation caused the victim to reasonably
74 fear for his or her physical safety. Such order shall be an order of the
75 court, and the clerk of the court shall cause a certified copy of such
76 order to be sent to the victim, and a copy of such order, or the
77 information contained in such order, to be sent by facsimile or other
78 means within forty-eight hours of its issuance to the appropriate law
79 enforcement agency. A protective order issued under this section may
80 include provisions necessary to protect the victim from threats,
81 harassment, injury or intimidation by the defendant, including but not
82 limited to, an order enjoining the defendant from (1) imposing any

83 restraint upon the person or liberty of the victim, (2) threatening,
84 harassing, assaulting, molesting or sexually assaulting the victim, or
85 (3) entering the dwelling of the victim. A protective order issued under
86 this section may include provisions necessary to protect any animal
87 owned or kept by the victim including, but not limited to, an order
88 enjoining the defendant from injuring or threatening to injure such
89 animal. Such order shall be made a condition of the bail or release of
90 the defendant and shall contain the following language: "In accordance
91 with section 53a-223 of the Connecticut general statutes, any violation
92 of this order constitutes criminal violation of a protective order which
93 is punishable by a term of imprisonment of not more than five years, a
94 fine of not more than five thousand dollars, or both. Additionally, in
95 accordance with section 53a-107 of the Connecticut general statutes,
96 entering or remaining in a building or any other premises in violation
97 of this order constitutes criminal trespass in the first degree which is
98 punishable by a term of imprisonment of not more than one year, a
99 fine of not more than two thousand dollars, or both. Violation of this
100 order also violates a condition of your bail or release and may result in
101 raising the amount of bail or revoking release." The information
102 contained in and concerning the issuance of any protective order
103 issued under this section shall be entered in the registry of protective
104 orders pursuant to section 51-5c.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2007	46b-15(b)
Sec. 2	October 1, 2007	46b-38c(e)
Sec. 3	October 1, 2007	54-1k

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits the court to include domestic pets in the protections provided under a restraining or protective order. The courts are not prohibited under current law¹ from including pets in a protective order, but these are not typically included in practice. To the extent that the bill: (1) increases, by placing in statute, the number of protective orders that include provisions concerning pets; and (2) authorizes provisions in restraining orders that protect pets, there exists a potential increase in violations of these protective and restraining orders.

In FY 06, there were 1,350 convictions involving either violation of a protective order (1,150 cases) or a restraining order (200 cases). It is anticipated that relatively few additional convictions would be made under the bill since it specifies that protective orders, which are the primary source of convictions under current law, may include provisions concerning pets.

Any revenue gain from criminal fines or marginal cost for incarceration or probation supervision under the bill is anticipated to be minimal.

¹ See CGS 46b-38c(e).

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 284*****AN ACT CONCERNING THE PROTECTION OF PETS IN DOMESTIC VIOLENCE CASES.*****SUMMARY:**

This bill permits courts to issue orders of protection for animals owned or kept by victims of family violence, stalking, or harassment. The orders may, at a minimum, prohibit respondents or defendants from injuring or threatening to injure the animals. In family violence cases, the order may be a civil restraining, or criminal protective, order.

EFFECTIVE DATE: October 1, 2007

BACKGROUND***Restraining and Protective Orders***

Courts typically issue restraining and protective orders to protect victims of family violence crimes from threatened or further harm. Courts may issue protective orders for victims of stalking or victims of 1st or 2nd degree harassment who reasonably fear for their safety. Restraining and protective orders may, among other things, prohibit the respondents (or defendants in criminal cases) from restraining, threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the victim, or entering the victim's home. Restraining orders are generally effective for six months. Protective orders are a condition of bail or other release from incarceration.

Criminal violation of a restraining or protective order is a class D felony, punishable by up to five years in prison, a \$5,000 fine, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/12/2007)